



January 31, 2022

Written Testimony: In Opposition to House Bill 2550: Creating the school empowerment act; authorizing the establishment of education savings accounts for certain students to attend private schools of their choice.

Submitted by Kansas Association of Special Education Administrators (KASEA)

Honorable Chair Williams and Committee Members,

The Kansas Association of Special Education Administrators (KASEA) is concerned about the effects of enacting legislation that would strip students who currently have protections under IDEA within public schools accredited by the State of Kansas. Therefore, KASEA opposes HB 2550.

Noted below are several specific concerns associated with this legislation.

1. Public tax dollars should be used to fund public education. This bill would divert a significant amount of public dollars to private schools that may not be accredited through the Kansas Education Systems of Accreditation (KESA), which the Kansas State Board of Education has oversight. Schools that are not accredited through KESA do not take state assessments and are not held to the same standards as public schools that are accredited through KESA. Non-accredited schools are not required to submit reports to KSDE on student discipline or Emergency Safety Interventions. Non-accredited schools are also not required to screen for reading disorders as defined by the recent Kansas Board of Education's Dyslexia training and screening regulations.

2. Private schools are not required to accept all students, which really gives the "choice" to the private schools, versus the student. Private schools are not bound to the requirement of an Individualized Education Program (IEP) under IDEA and may or may not allow admission of a student with a disability.

In addition to students with disabilities, private accredited and non-accredited schools can deny admission to students with mental health issues, students identified as LGBTQ, students with same sex parents and students with differing religions. Assigning state funds to



institutions that sanction discrimination creates potential law suits that would further divert dwindling resources.

3. Private schools are not obligated to implement the requirements of IDEA and are not obligated to collaborate with the local school district to provide special education services within the private school. In a recent online review of private schools currently participating in the Kansas Tax Credit Scholarship Program it is evident that private schools are not accepting all children with disabilities and may or may not collaborate with the local school district in order to bring necessary special education services to the student within the private school. In one instance, a private school claims that additional services which allow the student to have access to education are provided at an additional cost per service. Charging families more to access education due to a child's disability is inherently discriminatory under IDEA and the Americans with Disabilities Act (ADA). If a family is unable to pay for these additional services the child is put at-risk of academic failure and potential social emotional harm.

In addition, many districts testify that when students are underserved in private schools to the point of failure they ultimately return to public schools where they are left with an expanded learning gap with less time to close it.

We appreciate the legislature's dedication and desire to make fiscally responsible decisions that enhance education and improve learning for all Kansas children and youth. HB 2550 falls short of meeting this goal by creating a program that would strip protections and rights to a Free Appropriate Public Education (FAPE) under IDEA away from children and their families.